

Appl. No. 10/805,771
Atty. Docket No. CM2736
Amdt. dated May 4, 2006
Reply to Office Action of February 07, 2006
Customer No. 27752

REMARKS

Claims 1 - 12 are pending in the present application.

PRIORITY

Per the Examiner's request, a certified copy of the priority document, 03447068, has been ordered from European Patent Office and will be submitted subsequently.

OBJECTION

The Office Action States that in Claims 10 and 11 the word "phtalocyanine" should be spelled "phthalocyanine". A close reading of Applicants application and a simple internet search will reveal that the word "phtalocyanine" is used to describe a specific class of pigments. In short, the spelling is correct and the objection should be withdrawn.

REJECTIONS UNDER 35 USC §103(a)

Claims 1-6 have been rejected under 35 USC §103(a) as being unpatentable over EP0668345A1 or WO 00/27972.

Claims 7-9 have been rejected under 35 USC §103(a) as being unpatentable over EP0668345A1 or WO 00/27972 and further in view of WO 00/27978.

Claims 7-9 have been rejected under 35 USC §103(a) as being unpatentable over EP0668345A1 or WO 00/27972 and further in view of USP 6,294,511.

According to MPEP § 2142, the examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. In order to support a prima facie case, a reference must teach or suggest all of the claim limitations (see MPEP 2143.03). Here, for example, even if one were to conclude that the bleach and trimethoxy benzoic acid or a salt thereof limitations were taught by the cited art, the cited art still fails to teach the Applicants' bleach-unstable brighteners and bleach-unstable coloring-agents limitations – including the more specific limitations regarding the type and amount of such agents. Furthermore, Applicants contend that the skilled artisan would have no

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motivation to employ such agents as such artisan, knowing that such agents are unstable, would look to stable materials. In short, there is't even a motivation to do what Applicants have done. As such, Applicants contend that a *prima facie* case of obviousness has not been established.

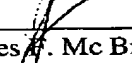
In summary, Applicants' claims recite specific limitations that are not found in the art. As the examiner bears the initial burden of factually supporting any prima facia conclusion of obviousness, Applicants request that the examiner specifically show where each of Applicants' limitations are found in the cited art, or if such burden cannot be met, allow Applicants' claims.

CONCLUSION

Applicants respectfully request reconsideration of this application, and allowance of Claims 1 - 12.

In the event there are remaining issues, the Examiner is invited to call Applicants' undersigned attorney to discuss such issues.

Respectfully submitted,
Briatore et al.

By 
James F. Mc Bride
Attorney for Applicants
Registration No. 43,784
(513) 627-0079

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